

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Docket No. 13267US02**

In the Application of:

Martin, et al.

Serial No.: 10/073,486

Filed: February 11, 2002

For: Combination Jukebox and Game

Art Unit: 3621

Examiner: Bayat, Bradley B.

Confirmation No. 6208

**Electronically Filed on May 15, 2007**

**APPEAL BRIEF**

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicants respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of claims 1-20 of the present application. This Appeal Brief is timely because it is being filed with a three month extension of time. Thus, the period for reply ends on May 19, 2007, which is three months from the mailing date of the first Notice of Panel Decision from Pre-Appeal Brief Review (a second Notice of Panel Decision was mailed on February 24, 2007).

**REAL PARTY IN INTEREST**

**(37 C.F.R. § 41.37(c)(1)(i))**

The real party in interest is Arachnid, Inc., assignee of the present application, having a place of business at 6212 Material Avenue, Rockford, Illinois 61132.

**RELATED APPEALS AND INTERFERENCES**

**(37 C.F.R. § 41.37(c)(1)(ii))**

Not Applicable.

**STATUS OF THE CLAIMS**

**(37 C.F.R. § 41.37(c)(1)(iii))**

The present application includes pending claims 1-20 all of which have been rejected. The Applicant identifies claims 1-20 as the claims that are being appealed. The text of the pending claims is provided in the Claims Appendix.

**STATUS OF AMENDMENTS**

**(37 C.F.R. § 41.37(c)(1)(iv))**

Subsequent to the final rejection of claims 1-20 mailed August 23, 2006, the Applicants filed a Response Under 37 C.F.R. § 1.116.<sup>1</sup> In that Response, the Applicants amended only claim 18 to correct a minor typographical error.<sup>2</sup>

---

<sup>1</sup> See October 3, 2006 Response Under 37 C.F.R. § 1.116

<sup>2</sup> See *id.* at page 5.

**SUMMARY OF CLAIMED SUBJECT MATTER**  
**(37 C.F.R. § 41.37(c)(1)(v))**

As discussed in the Application, **floor space is a valuable commodity for many entertainment establishments.**<sup>3</sup> Electronic entertainment device and jukeboxes, however, occupy valuable floor space that could otherwise be profitably used, for example, for additional customer seating.<sup>4</sup> An important consideration, therefore, in the design of new electronic entertainment devices is reducing their footprint.<sup>5</sup>

Another important concern is operating expense, including taxes, fees, electricity, and maintenance expenses incurred for each electronic entertainment device or jukebox operated.<sup>6</sup> Reducing the number of operational gaming systems in an entertainment establishment may in many instances reduce overall operating expense.<sup>7</sup>

Embodiments of the present invention provide a single entertainment system that includes both jukebox and game functionalities.<sup>8</sup> Embodiments of the present invention reduce floor space requirements while maintaining the level of entertainment provided.<sup>9</sup> Embodiments of the present invention also provide cost savings by reducing the number of individual systems required by an establishment for a given amount of entertainment.<sup>10</sup> Embodiments of the present invention also provide cost savings by sharing expensive system components between game and

---

<sup>3</sup> See application at page 3, lines 7-8 (emphasis added).

<sup>4</sup> See *id.* at page 3, lines 8-12.

<sup>5</sup> See *id.* at page 3, lines 12-14.

<sup>6</sup> See *id.* at page 3, lines 15-18.

<sup>7</sup> See *id.* at page 3, lines 18-21.

<sup>8</sup> See *id.* at, e.g., page 20, lines 8-9.

<sup>9</sup> See *id.* at, e.g., page 20, lines 9-11.

<sup>10</sup> See *id.* at, e.g., page 20, lines 11-14.

jukebox operation, thereby reducing the overall number of system components necessary to provide game and jukebox entertainment.<sup>11</sup>

**Independent claim 1 of the present application** recites the following:

An entertainment system<sup>12</sup> comprising:

a game subsystem;<sup>13</sup>

a jukebox subsystem;<sup>14</sup> and

a single control subsystem coupled to the game subsystem and the jukebox subsystem,<sup>15</sup> the control subsystem and the game subsystem providing game functionality,<sup>16</sup> and the jukebox subsystem and the control subsystem providing jukebox functionality,<sup>17</sup> the control subsystem exercising control over the game subsystem and the jukebox subsystem.<sup>18</sup>

**Independent claim 11 of the present application** recites the following:

A method for providing an entertainment system having combined jukebox and game functionality,<sup>19</sup> the method comprising:

exercising control over both the jukebox and game functionality with a single control subsystem;<sup>20</sup>

operating in a current mode of operation corresponding to one of a jukebox mode, and a game mode;<sup>21</sup>

---

<sup>11</sup> See *id.* at page 20, lines 14-19.

<sup>12</sup> See *id.* at, e.g., page 4, lines 15-18, page 7, lines 14-15, and Figures 1 and 2.

<sup>13</sup> See *id.* at, e.g., page 5, lines 11-13, page 7, lines 15-18, and Figures 1 and 2.

<sup>14</sup> See *id.* at, e.g., page 5, lines 13-15, page 7, lines 15-18, and Figures 1 and 2.

<sup>15</sup> See *id.* at, e.g., page 5, lines 16-18, page 7, lines 15-18, and Figures 1 and 2.

<sup>16</sup> See *id.* at, e.g., page 5, line 20 to page 6, line 2.

<sup>17</sup> See *id.* at, e.g., page 5, lines 18-20.

<sup>18</sup> See *id.* at, e.g., page 5, lines 16-18, page 7, line 21 to page 8, line 5, page 11, lines 1-7, and page 12, lines 8-14.

<sup>19</sup> See *id.* at, e.g., page 6, lines 6-8.

<sup>20</sup> See *id.* at, e.g., page 5, lines 16-18, page 7, line 21 to page 8, line 5, page 11, lines 1-7, and

receiving a mode command;<sup>22</sup> and  
determining a next mode of operation based on the mode command,<sup>23</sup> the next mode of operation corresponding to one of a game mode and a jukebox mode.<sup>24</sup>

**Independent claim 18 of the present application** recites the following:

An entertainment system,<sup>25</sup> comprising:

a single unit;<sup>26</sup>

a game subsystem within the single unit;<sup>27</sup>

a jukebox subsystem within the single unit;<sup>28</sup> and

a single control subsystem within the single unit,<sup>29</sup> the control subsystem being coupled to the game subsystem and the jukebox subsystem,<sup>30</sup> the control subsystem and the game subsystem providing game functionality,<sup>31</sup> and the jukebox subsystem and the control subsystem providing jukebox functionality.<sup>32</sup>

---

page 12, lines 8-14.

<sup>21</sup> See *id.* at, e.g., page 6, lines 8-11, and page 14, line 11 to page 15, line 12.

<sup>22</sup> See *id.* at, e.g., page 6, lines 11-12, and page 15, line 13 to page 16, line 15.

<sup>23</sup> See *id.* at, e.g., page 6, lines 12-17, and page 16, line 16 to page 20, line 6.

<sup>24</sup> See *id.* at, e.g., page 6, lines 8-11, and 12-17, and page 16, line 16 to page 20, line 6.

<sup>25</sup> See *id.* at, e.g., page 4, lines 15-18.

<sup>26</sup> See *id.* at, e.g., page 4, line 19 to page 5, line 7, and page 20, lines 7-9.

<sup>27</sup> See *id.* at, e.g., page 5, lines 11-13, page 7, lines 15-18, and Figures 1 and 2.

<sup>28</sup> See *id.* at, e.g., page 5, lines 13-15, page 7, lines 15-18, and Figures 1 and 2.

<sup>29</sup> See *id.* at, e.g., page 5, lines 16-18, page 7, lines 15-18, and Figures 1 and 2.

<sup>30</sup> See *id.* at, e.g., page 5, lines 16-18, page 7, lines 15-18, and Figures 1 and 2.

<sup>31</sup> See *id.* at, e.g., page 5, line 20 to page 6, line 2.

<sup>32</sup> See *id.* at, e.g., page 5, lines 18-20.

## **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

### **(37 C.F.R. § 41.37(c)(1)(vi))**

Claims 1-3, 5-8, 10, 11, 13, 14, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,163,817 (“Shteyn”). Claims 4, 9, 12, 15, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shteyn in view of United States Patent No. 5,971,397 (“Miguel”).

## **ARGUMENT**

### **(37 C.F.R. § 41.37(c)(1)(vii))**

The Examiner has maintained the rejections of the pending claims, as indicated above. The rejections are improper, however, at least because Shteyn does not teach or suggest a “game subsystem,” as recited in claims 1 and 18, nor “game functionality,” as recited in claims 1, 11, and 18. Additionally, the cited references do not describe, teach, or suggest a game subsystem and a jukebox subsystem within a single unit, as recited in claim 18.

#### **I. Shteyn Does Not Render Claims 1-3, 5-8, 10, 11, 13, 14, 16, And 17 Unpatentable**

The Applicants first turn to the rejection of claims 1-3, 5-8, 10, 11, 13, 14, 16, and 17 as being unpatentable over Shteyn. In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure (MPEP) states the following:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must **both be found in the prior art, and not based on applicant’s disclosure**.

See Manual of Patent Examining Procedure (MPEP) at § 2142, citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Additionally, if a *prima facie* case of obviousness is not established, an applicant is under no obligation to submit evidence of nonobviousness.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See Manual of Patent Examining Procedure MPEP at § 2142.

**A. Shteyn Does Not Describe, Teach Or Suggest A Game Subsystem**

Shteyn discloses an “information processing system [having] first and second electronic sub-systems, and control means for controlling the sub-systems.” Shteyn at Abstract. In particular, Shteyn “relates to a [sic] information processing system with distributed functionalities. The invention relates, in particular, but not exclusively, to **home theater equipment.**” *Id.* at column 1, lines 7-9. Shteyn lists examples of the sub-systems:

In a home theater environment, sub-systems 102-106 each comprise, for example, any of a one or more display devices, one or more VCR's, one ore more TV tuners, one or more radio tuners, one or more audio amplifiers, one or more a (sic) DVD players, a CD jukebox, a digital video camera, a home security system, etc. Alternatively, sub-systems 102-106 each comprise a respective cluster of such pieces of equipment, e.g., organized according to the location of these devices, such as the associated room or building.

Shteyn at column 4, lines 4-12. As shown above, Shteyn lists a litany of possible “sub-systems.” Shteyn does not list, however, a “game sub-system,” such as an electronic dart game machine. Notably, neither this passage, nor the remainder, of Shteyn describes, teaches or suggests a game subsystem. There is nothing in Shteyn that even remotely suggests a game sub-system, such as an electronic dart game machine or arcade game machine. As noted above, Shteyn discloses a

“home entertainment system 100 with a home security sub-system 102” (*id.* at column 5, lines 1-3), and even a “home entertainment system 100 with multiple display devices 102 and 104 and a TV tuner 106” (*id.* at column 5, lines 28-30). Even though Shteyn lists numerous examples of “sub-systems,” **Shteyn does not disclose that the sub-system is a game sub-system.** Clearly, if Shteyn had contemplated such a sub-system it would have been listed as an example, considering that Shteyn lists numerous types of systems.

**B. Shteyn Does Not Disclose That The Subsystem Can Be *Any* Subsystem**

The Office Action acknowledges that “Shteyn does not explicitly disclose a game subsystem.” *See* August 23, 2006 Office Action at page 5. In order to overcome this deficiency, however, the Office Action states that “Shteyn teaches that **any** electronic subsystem, including a jukebox or **any** software application can be coupled to a control subsystem (column 2, lines (sic) 34, column 4, line 67).” *See id.* at page 5.

The portion relied on in the Office Action, however, does not teach or suggest that **any** electronic subsystem can be used, and certainly does not teach or suggest a game subsystem. For example, Shteyn discloses the following:

[T]he invention provides an information processing system that comprises first and second electronic sub-systems and control means for controlling at least the first sub-system. At least the first sub-system has a software representation registered with the control means.

Shteyn at column 2, lines 32-36. There is nothing in this passage of Shteyn that teaches or suggests that the electronic sub-system can be **any** electronic sub-system. In fact, there is nothing in Shteyn that states that the sub-system can be **any** electronic sub-system, as the Office Action contends. While Shteyn lists a host of different “sub-systems,” it fails to mention a game sub-system, clearly indicating that it did not contemplate electronic game sub-systems, such as



electronic dart machine. Again, if Shteyn had contemplated such a sub-system it would have been listed.

Additionally, Shteyn discloses the following:

FIG 1 is a block diagram of an information processing system 100 in the invention. System 100 comprises a first electronic sub-system 102, a second electronic sub-system 104, a third electronic sub-system 106 and control means 108.

Shteyn at column 3, lines 25-29. There is nothing in this passage of Shteyn that teaches or suggests that the sub-systems 102, 104, and 106 can be **any** electronic sub-system.

In response to the fact that Shteyn does not describe a “game subsystem,” the Office Action states the following:

As indicated above and in the prior rejection, Shteyn does not explicitly disclose a game subsystem. It would be impractical for Shteyn to list every possible electronic device or subsystem that can be coupled to a control subsystem.

August 23, 2006 Office Action at page 3.

While the Office Action asserts that it would be “impractical” for Shteyn to list all the systems it contemplates, the Applicants respectfully note that Shteyn lists a wide variety of systems. As mentioned above, Shteyn lists (1) one or more display devices, (2) one or more VCR’s, (3) one or more TV tuners, (4) one or more radio tuners, (5) one or more audio amplifiers, (6) one or more DVD players, (7) a CD jukebox, (8) a digital video camera, and **even** (9) a home security system. As shown above, Shteyn found it “practical” to list a long litany of home electronic subsystems, including even a “home security subsystem.” Clearly, if Shteyn had contemplated an electronic game sub-system, such as an electronic dart game machine, arcade game, or the like, Shteyn would have listed it among the long litany of home electronic sub-systems noted above. Shteyn **never** mentions, however, that the sub-system can be **any** sub-

system, nor does it disclose that the sub-system can be an electronic game sub-system, in general, or an electronic dart game machine, in particular.

As detailed above, Shteyn does not teach or suggest a “game subsystem” as recited in claims 1 and 18. Additionally, Shteyn does not teach or suggest providing “game functionality,” as recited in claims 1, 11, and 18. For at least these reasons, therefore, Shteyn does not render claims 1-3, 5-8, 10, 11, 13, 14, 16, and 17 unpatentable.

## **II. The Proposed Combination Of Shteyn And Miguel Does Not Render Claims 4, 9, 12, 15, And 18-20 Unpatentable**

The Office Action attempts to combine Shteyn with Miguel to render claims 4, 9, 12, 15, and 18-20 unpatentable. In support of that attempt, the Office Action states the following:

The primary reference Shteyn provides that a single control means can control the operation and functionality of numerous other electronic devices and subsystems without conflict wherein multiple digital resources can be interrelated and integrated into a single entertainment system (column 1, lines 23-33). The Miguel reference was introduced to demonstrate that it would have been obvious to integrate an electronic dart game as part of the control subsystem as claimed. Miguel discloses that “as the choice of games to play on electronic dart machines has continued to increase, the user interface necessary to permit selection and set-up of those games has become more complicated and burdensome for the player (column 2, lines 37-40).” Therefore, Miguel teaches that a need exists to control the functionality of a plurality of electronically scored amusement games, including video games, pinball machines, and other (column 3, lines 5-12). Therefore, the teaching of the references as a whole and exemplified portions pointed to above would have lead one of ordinary skill in the art at the time of the invention to combine the references as taught.

August 23, 2006 Office Action at page 4.

Initially, Miguel at column 2, lines 37-40 states the following: “Also, as the choice of games to play on electronic dart machines has continued to increase, the user interface necessary to permit selection and set-up of those games has become more complicated and burdensome for

the player.” Notably, this portion refers to a single dart machine. Single dart machines allow a user to play numerous **dart** games, such as cricket, 501, dart baseball, and the like. Because a single dart game system allows a user to play a wide variety of particular **dart** contests, the user interface may be complicated (e.g., including plurality of buttons, switches, and the like). The only idea this portion of Miguel suggests is that some dart game user interfaces are complicated.

Next, Miguel at column 3, lines 5-18 states the following:

The invention is particularly adapted to implementation of leagues and tournaments that utilize electronic dart machines, although it will be appreciated that many of the features of the invention are applicable to electronically scored amusement games in general, including video games, pinball machines, and others. League information, including team and player information, is shared between the league machine and dart machines so that the dart machines can utilize the league information for various purposes such as permitting player and team identification via a menu driven user interface, automatically controlling the selection and setup of games, controlling player rotation, and automatically implementing player handicaps.

Thus, Miguel discloses a league machine that shares information with a plurality of dart machines. The league machine is not connected to a jukebox subsystem, or another control system that exerts control over a jukebox subsystem. Further, even if the proposed combination of references was proper, it would only result in a control system of Shteyn controlling home theater sub-systems, such as VCRs, DVD players, and the like, and a plurality of dart machines that are in communication with a separate “league machine.”

The proposed combination, however, does not teach or suggest “a **single control subsystem coupled to the dart game subsystem and the jukebox subsystem**, the control subsystem and the dart game subsystem providing game functionality, and the jukebox subsystem and the control subsystem providing jukebox functionality, the control subsystem exercising control over the dart game subsystem **and** the jukebox subsystem,” as recited, for

example, in claim 4. Thus, for at least this reason, the proposed combination of Shteyn and Miguel does not render claims 4, 9, 12, 15, And 18-20 unpatentable.

### **III. Incorporating A Game Subsystem And Jukebox Subsystem Into A Single Unit Is Not Merely A Matter Of Engineering Design Choice**

The Applicants next turn to the rejection of claims 18-20. Initially, the Applicants note that these claims should be in condition for allowance for at least the reasons discussed above.

Additionally, claim 18 of the present application recites the following:

An entertainment system, comprising:

**a single unit;**

a game subsystem **within the single unit;**

a jukebox subsystem **within the single unit;** and

a single control subsystem within the single unit, the control subsystem being coupled to the game subsystem and the jukebox subsystem, the control subsystem and the game subsystem providing game functionality, and the jukebox subsystem and the control subsystem providing jukebox functionality.

Thus, as clearly shown above, the game subsystem and the jukebox subsystem are **both within the single unit**. That is, the single unit contains both subsystems.

The Office Action states that "Shteyn expressly indicates that a 'CD jukebox' can be integrated with other electronic devices and subsystems (column 4, lines 5-9)." *See* August 23, 2006 Office Action at page 4. This portion of Shteyn recites, however, the following:

In a home theater environment, sub-systems 102-106 each comprise, for example, any of a one or more display devices, one or more VCR's, one or more TV tuners, one or more radio tuners, one or more audio amplifiers, one or more a [sic] DVD players, CD jukebox, digital video camera, a home security system, etc.

Shteyn at column 4, lines 4-9. This passage merely states that the sub-systems may “comprise” the various devices. There is nothing in Shteyn that discloses that a plurality of such devices are “within a single unit.” Indeed, Shteyn clearly does not stand for the proposition that a digital video camera and a home security system are, or can be, both contained within a single unit.

The Office Action also states “Miguel also provides that a single unit can house an electronic dart game, cricket, monitor, upper display, IR unit, etc.” *See* August 23, 2006 Office Action at pages 4-5. However, these components are all part of the same dart game machine. Of course an electronic dart game machine includes a housing that contains all the components of that machine, e.g., a monitor, dartboard, etc. The Applicant notes that “cricket” is merely one type of dart game to be played on a dart game machine, not a separate physical component of the machine, and certainly not a component of a jukebox. Miguel clearly does not describe, teach or suggest, however, a single unit housing anything other than a dart game system. Neither Shteyn, nor Miguel describes, teaches, or suggests a single unit that houses **both** a jukebox subsystem and a dart game subsystem.

The proposed combination of Shteyn and Miguel unquestionably does not teach or suggest a game subsystem and a jukebox subsystem within a single unit, as recited in claims 18-20. The Office Action, however, asserts that “it has been well settled that by providing a single unit or housing for making integral structures disclosed in the prior art would be merely a matter of obvious engineering choice.” *See* August 23, 2006 Office Action at page 8.

As noted above, claim 18 recites a “single unit” that houses (1) the game subsystem, (2) the jukebox subsystem, and (3) the control subsystem. **All three subsystems are housed within a single unit.** The Applicants respectfully submit that housing the game subsystem and the jukebox subsystem in a single unit is not merely a matter of obvious design choice.

First, such game systems and jukebox systems are not normally linked to one another. Indeed, even the Office Action cannot cite a single example of a prior art reference that discloses a system in which a game system is linked to a jukebox system.

Next, the present application clearly discusses the disadvantages of numerous game machines having separate housings. Overall, there has been a need for maximizing the floor space within an establishment, and to reduce the number of operational gaming systems in an establishment, as described in the background section of the present application. *See, e.g.*, present application at page 3, line 7 to page 4, line 11 (“Electronic entertainment devices and jukeboxes, however, **occupy valuable floor space** that could otherwise be profitably used, for example, for additional customer seating.... **Reducing the number of operational gaming systems in an entertainment establishment may in many instances reduce overall operating expenses**”).

Incorporating a gaming system and a jukebox system into a single unit addresses these needs, and should therefore be patentable. *See Shenck v. Nortron Corp.*, 713 F.2d 782, 785 218 USPQ 698 (Fed.Cir. 1983) (“In its argument that the invention here is but making integral what had earlier been made in . . . pieces, Nortron seeks to limit the focus of inquiry to a structural difference from the prior art and then to show that difference *alone* would have been obvious. That effort is not proper under the statute, which requires that an invention be considered “as a whole,”....).

The cases on which the Office Action relies, *In re Larson* and *In re Wolfe*, are inapplicable to the Applicants’ claims. In *Larson*, the court rejected a claim to a one-piece handle for a massage device because the prior art disclosed a handle for a massage device that was the same except that the prior art handle consisted of two pieces fastened together. *See In re*

*Larson*, 144 USPQ 347 (C.C.P.A. 1965) (holding “merely making a two-piece handle in one piece is not patentable invention because it is an obvious thing to do if deemed desirable”). In *Wolfe*, the court rejected a claim to a “brake drum integral with a said clamping means” because “the term ‘integral’ is not limited to a fabrication of the parts from a single piece of metal, but is inclusive of other means for maintaining the parts fixed together as a single unit.” See *In re Wolfe*, 116 USPQ 443 (C.C.P.A. 1958) (“While the brake disc and clamp of [the prior art] comprise several parts, they are rigidly secured together as a single unit. The constituent parts are so combined as to constitute a unitary whole.”)

Unlike the situations in *Larson* and *Wolfe*, claims 18-20 are not directed to components fabricated from a single piece of material that have been previously joined to one another through some other means, as in the cases relied upon in the Office Action. Claims 18-20 are directed to a single unit that comprises a game subsystem, a jukebox subsystem, and a single control subsystem, **which were not previously contained within a single unit**. In other words, the term “single unit,” is not directed to the manner in which the components of the single unit are fastened or connected to one another. Rather, the term “single unit” is directed to the very idea of bringing the components together in the first instance. Thus, neither *In re Larson* nor *In re Wolfe*, are applicable to claims 18-20. Thus, for at least these reasons, claims 18-20 should be in condition for allowance.

#### IV. Conclusion

The Applicants respectfully submit that the pending claims of the present application should be in condition for allowance for at least the reasons discussed above, and request reconsideration of the claim rejections. The Commissioner is authorized to charge the fee for

Appeal Brief  
Serial No. 10/073,486

this appeal brief (\$250), the fee for the three month extension (\$510), and any additional fees, or credit overpayment to Deposit Account 13-0017.

Respectfully submitted,

Date: May 15, 2007

/Joseph M. Butscher/  
Joseph M. Butscher  
Registration No. 48,326

MCANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
Telephone: (312) 775-8000  
Facsimile: (312) 775-8100



**CLAIMS APPENDIX**

**(37 C.F.R. § 41.37(c)(1)(viii))**

1. An entertainment system comprising:  
a game subsystem;  
a jukebox subsystem; and  
a single control subsystem coupled to the game subsystem and the jukebox subsystem, the control subsystem and the game subsystem providing game functionality, and the jukebox subsystem and the control subsystem providing jukebox functionality, the control subsystem exercising control over the game subsystem and the jukebox subsystem.
2. The entertainment system of claim 1, wherein the control system is responsive to at least one mode determining switch for specifying a mode of operation for said entertainment system.
3. The entertainment system of claim 1, wherein the control subsystem comprises a central processor for controlling operation of the game subsystem and the jukebox subsystem apparatus.
4. The entertainment system of claim 1, wherein the game subsystem is a dart game subsystem.

5. The entertainment system of claim 3, further comprising a data storage device coupled to said central processor, said data storage device storing digitized songs for the jukebox subsystem.

6. The entertainment system of claim 3, wherein the central processor is operative to play audio data streamed from a remote server while providing jukebox functionality.

7. The entertainment system of claim 3, further comprising a communication interface for communicating with devices external to the entertainment system.

8. The entertainment system of claim 1, wherein the jukebox subsystem comprises an audio data decoder, an amplifier, and at least one speaker.

9. The entertainment system of claim 8, wherein the game subsystem is a dart game subsystem comprising a dart target and a sound card.

10. The entertainment system of claim 1, wherein the jukebox subsystem includes a jukebox interface physically separated from the entertainment system for allowing players to interact with the jukebox subsystem while other players interact with the game subsystem.

11. A method for providing an entertainment system having combined jukebox and game functionality, the method comprising:

exercising control over both the jukebox and game functionality with a single control subsystem;

operating in a current mode of operation corresponding to one of a jukebox mode, and a game mode;

receiving a mode command; and

determining a next mode of operation based on the mode command, the next mode of operation corresponding to one of a game mode and a jukebox mode.

12. The method of claim 11, wherein the operating step and the determining step select a mode of operation corresponding to one of a dart game mode and a jukebox mode.

13. The method of claim 12, wherein said step of receiving a mode command comprises: providing an input device by which a patron may input the mode command; and detecting the mode command input by the patron.

14. The method of claim 12, further comprising the step of playing jukebox music in the background during a game.

15. The method of claim 12, wherein the operating step comprises operating in one of a dart game mode, a jukebox mode, and an advertising mode.

16. The method of claim 12, wherein the determining step comprises determining the next mode of operation based on the mode command and on the current mode.

17. The method of claim 12, further comprising resuming operation in a previous mode of operation when the current mode of operation is completed.

18. An entertainment system, comprising:

a single unit;

a game subsystem within the single unit;

a jukebox subsystem within the single unit; and

a single control subsystem within the single unit, the control subsystem being coupled to the game subsystem and the jukebox subsystem, the control subsystem and the game subsystem providing game functionality, and the jukebox subsystem and the control subsystem providing jukebox functionality.

19. The entertainment system of claim 18, wherein the game subsystem is a dart game subsystem.

20. The entertainment system of claim 18, further comprising a communication interface for communicating with devices external to the entertainment system.

**EVIDENCE APPENDIX**

**(37 C.F.R. § 41.37(c)(1)(ix))**

- (1) United States Patent No. 6,163,817 (“Shteyn”), entered into record in Office Action mailed April 20, 2006.
- (2) United States Patent No. 5,971,397 (“Miguel”), entered into record in Office Action mailed April 20, 2006.

**RELATED PROCEEDINGS APPENDIX**

**(37 C.F.R. § 41.37(c)(1)(x))**

Not Applicable.